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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,351

02/28/2002

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05/23/2007

EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

05/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/085,351

**Applicant(s)**

WICZKOWSKI, FRANK T.

**Examiner**

Clement B. Graham

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/6/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 13, 19, 25, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims 1, 13, 19, 25, recites "accessing", "establishing" and "effecting", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-30, are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al.(Hereinafter Park U.S Pub: 2001/0034725).

As per claim 1, Park discloses a method of conducting a transaction over an open network for a client comprising the steps of-

accessing a client identification process by the client to provide validation of the client to initiate a transaction session;

assigning a an anonymous personal purchasing identification number to the client corresponding to the transaction session, which personal purchasing identification

number is used for subsequent transactions by the client (and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) establishing connection through the open network for the client using the personal purchasing identification number as the sole identification of the client through a proxy to permit the client to access transaction vendors anonymously (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025)

entering into a transaction with a transaction vendor via the anonymous personal purchasing identification number (column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) effecting payment for the transaction from the client to the proxy; and confirming payment to the vendor from the proxy for the transaction. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025)

As per claim 2, Park discloses wherein said step of effecting payment for the transaction utilizes a credit card having corresponding credit card information issued to the proxy for a limited period of time so that the exposure of the credit card information over the open network is limited in time. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 3, Park discloses wherein said limited period of time during which the credit card can be used for purchases over the open network is one day. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 4, Park discloses wherein said personal purchasing identification number is utilized over the open network only for a limited period.

As per claim , Park discloses wherein said limited period is a period of time for validity of said personal purchasing identification number, said period of time being one day. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 6, Park discloses wherein said limited period corresponds to a predetermined number of uses of said personal purchasing identification number. . (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 7, Park discloses wherein said predetermined number of uses for which said personal purchasing identification number is valid is one transaction. . (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 8, Park discloses wherein said step of accessing a client identification process involves at least one of password protection, biometric input protection and smart card input/output protection. . (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 9, Park discloses wherein said proxy is a server connected to other servers to validate client information and identification, maintain account information, validate and track transactions, and validate vendors of transactions. . (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 10, Park discloses wherein one of said other servers is a credit card management server on which is stored said credit card information, said credit card management server is protected by at least one firewall engine and access from outside said process through a client intruder alert and detection engine. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 11, Park discloses wherein communications between said client and said proxy server is encrypted. . (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025). (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 12, Park discloses wherein said transaction involves the purchase of goods, said method further comprising the steps of:  
shipping of said goods by said vendor to a courier for delivery of said goods to said client;  
informing said courier of a delivery address corresponding to said personal purchasing identification number by said proxy; and  
delivering said goods to said client by said courier. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 13, Park discloses a method of providing an anonymous transaction for a client over the Internet comprising the steps of interposing a secure anonymous transaction engine between said client and said Internet for said client to access the Internet; validating the identity of said client. (see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) assigning a personal an anonymous personal purchasing identification number to said client; using a proxy server to permit said client to browse the Internet through the identity of said personal purchasing identification number. (see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) maintaining client information, including identity information and credit card information on a credit card management server within said secure anonymous transaction engine; entering into a transaction with a transaction vendor by said proxy server using said personal purchasing identification number, wherein the anonymous personal purchasing identification number serves as the sole identification of the client for all transactions outside of the proxy server without identifying personal information of the client, effecting payment for the transaction from the client to the secure anonymous transaction engine. (see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) and confirming payment to the vendor from the secure anonymous transaction engine for the transaction. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 14, Park discloses wherein said step of validating the identity of said client utilizes at least one of password protection, biometric input protection and smart card input/output protection. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 15, Park discloses wherein said step of effecting payment for the transaction utilizes a credit card having corresponding credit card information issued to the secure anonymous transaction engine for a limited period of time so that the

exposure of the credit card information over the open network is limited in time. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 16, Park discloses wherein the use of said personal purchasing identification number is limited by at least one of time or number of uses. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 17, Park discloses wherein the valid use of said personal purchasing identification number is limited to a time period of approximately one day. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 18, Park discloses wherein said credit card management server is protected from access from outside the secure anonymous transaction engine by at least one firewall engine and through a client intruder alert and detection engine. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 19, Park discloses a secure anonymous transaction system for permitting a client to communicate with a vendor over the Internet without exposing the client's identity or the client's financial information comprising:  
a proxy server through which said client can communicate over the Internet without divulging the identity of the client (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) said proxy server establishing an anonymous personal purchasing identification number for the client which is used as the sole identification of the client for subsequent transactions on behalf of the client over the Internet. said proxy server maintaining a secure communications environment with the client that ensures the identity of the client remains anonymous outside of the proxy server (see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).  
a virus protection engine to detect and prevent the entry of viruses and similar devices into said secure anonymous transaction system;  
a firewall to limit access into the secure anonymous transaction system; and data encryption for encrypting communications between the client and the proxy

server. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 20, Park discloses further comprising: a client validity engine to validate the identity of the client before permitting access of said client into said secure anonymous transaction system;  
a personal purchasing identification management engine to assign a personal purchasing identification number to said client upon being validated to permit communication over the Internet by said proxy server without divulging the identity of said client (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025) and  
an audit trail engine to track transactions for said client within said secure anonymous transaction system without providing client information outside the secure anonymous transaction system. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 21, Park discloses wherein the personal purchasing identification number assigned by said personal purchasing identification management engine has a limited duration for validity. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 22 Park discloses said audit trail engine provides user trend information for utilization within said secure anonymous transaction system. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 23, Park discloses further comprising: a credit card management server on which is stored credit card information of said client, said credit card management server providing a proxy credit card number to said vendor upon the entry of a commercial transaction on behalf of said client. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 24, Park discloses wherein said proxy credit card number has a limited validity period. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).



As per claim 25, Park discloses a secure anonymous transaction system for permitting a client to communicate with a vendor over the Internet without exposing the client's identity or the client's financial information comprising:

a proxy server through which said client can communicate over the Internet without divulging the identity of the client. said proxy server establishing an anonymous personal purchasing identification number for the client which is used as the sole identification of the client for subsequent transactions on behalf of the client over the Internet, said proxy server maintaining a secure communications environment with the client that ensures the identity of the client remains anonymous outside of the proxy server(see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025)

a client validity engine to validate the identity of the client before permitting access of said client into said secure anonymous transaction system(note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025)

a personal purchasing identification management engine to assign a personal purchasing identification number to said client upon being validated to permit communication over the Internet by said proxy server without divulging the identity of said client; and

a credit card management engine on which is stored credit card information of said client, said credit card management engine providing a proxy credit card number to said vendor upon the entry of a commercial transaction on behalf of said client. (see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 26, Park discloses further comprising: a virus protection engine to detect and prevent the entry of viruses and similar devices into said secure anonymous transaction system; and

a firewall to limit access into the secure anonymous transaction system. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 27, Park discloses further comprising: an audit trail engine to track transactions for said client within said secure anonymous transaction system without providing client information outside the secure anonymous transaction system. (note

abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 28, Park discloses wherein communications between said client and said secure anonymous transaction system are encrypted by data encryption software. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 29, Park discloses wherein the personal purchasing identification number assigned by said personal purchasing identification management engine has a limited duration for validity, said proxy credit card number also having a limited validity period. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

As per claim 30, Park discloses further comprising: a shipping center for receiving goods from said vendor shipped to said personal purchasing identification number, said shipping center being operable to direct said goods to said client so that said client remains anonymous to said vendor. (note abstract and see column 1 para 0002, and 0008-0009 and column 3 para 0022 and 0025).

### **Conclusion**

### **Response to Arguments**

4. Applicant's arguments filed 02/06/2007 has been fully considered but they are moot in view of new grounds of rejections.

5. Applicant's claims 1, 13, 19, 25, states "subsequent transactions by the client" to permit "to detect" to provide validation"

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(A) statements of intended use or field of use,

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- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

\*\*>USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.")<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." Multifarm Desiccants Inc. v. Medzam Ltd., 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

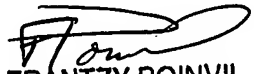
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

April 29, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3692